

Press freedom in Zimbabwe remained restricted in 2014, though the media environment improved slightly following a Constitutional Court ruling on criminal defamation and a comparative lessening of physical attacks against journalists in a nonelection year. However, a continued lack of movement to enact regulatory reforms, particularly in the broadcast sector, remained a primary concern.

Legal Environment

The 2013 constitution provides for freedom of expression and access to information, subject to some limitations, and was seen as an improvement on its predecessor. However, an otherwise draconian legal framework continues to inhibit the activities of journalists and media outlets. The 2002 Access to Information and Protection of Privacy Act (AIPPA) requires all journalists and media companies to register, and gives the information minister sweeping powers to decide which publications can operate legally and who is able to work as a journalist. Unlicensed journalists can face criminal charges and a sentence of up to two years in prison. In addition, the Public Order and Security Act (POSA) and the Criminal Law (Codification and Reform) Act severely limit what journalists may publish and mandate harsh penalties—including long prison sentences—for violators. The 2007 Interception of Communications Act allows officials to intercept telephonic and electronic communications and to monitor their content to prevent a “serious offense” or a “threat to national security.”

Authorities continued to exploit these and other laws to harass and punish journalists in 2014. In April, two journalists were charged with criminal defamation in response to an article they wrote in the privately owned *Newsday* accusing a local police chief of ineptitude. In an unusual case, in June the editor of the state-controlled *Sunday Mail*, Edmund Kudzayi, was charged with “attempting to commit an act of insurgency, banditry, sabotage or terrorism”; authorities accused him of being the blogger Baba Jukwa, whose commentary on political infighting within the ruling Zimbabwe African National Union–Patriotic Front (ZANU-PF) party gained particular popularity around the 2013 elections. He pleaded guilty to a minor weapons charge and was released in September.

Positively, criminal defamation charges filed in 2011 against Nevanji Madanhire, editor of the independent weekly *Standard* newspaper, and *Standard* reporter Nqaba Matshazi were dismissed in June 2014, after the Constitutional Court ruled in a landmark case that Section 96 of the Criminal Law (Reform and Codification) Act, which contained the criminal defamation provisions, was unconstitutional. The ruling followed on the heels of the court’s October 2013 decision in favor of two journalists, Constantine Chimakure and Vincent Kahiya, and visual artist Owen Maseko, vacating sections 31 and 33 of the act, which criminalized publishing falsehoods about the state and undermining the authority of the president. However, this ruling applied only to defamation cases that occurred under the previous constitution. Journalists can still face criminal defamation charges under the 2013 constitution. Politicians and other prominent figures also continued to file civil defamation cases against journalists, demanding exorbitant amounts in damages. Although many of the cases are eventually dismissed by the courts, charges can remain pending for months, leading to financial and logistical hardships for the journalists involved.

Although the right to information is theoretically provided for under AIPPA—subject to a number of exemptions—in practice the relevant provisions of the law are not operational and accessing official information remains extremely difficult. The colonial-era Official Secrets Act is also used to keep tight control over information.

The Zimbabwe Media Commission (ZMC) is tasked with regulating the licensing of publications and journalists. In 2012, the ZMC announced the creation of the 13-member Zimbabwe Media Council, as provided for under AIPPA. The council is charged with developing codes of conduct for print media and has the power to impose punishments on media houses that transgress the codes. However, as of 2014, chronic underfunding has greatly constrained its capacity to fulfill this mandate. Meanwhile, the independent Voluntary Media Council of Zimbabwe (VMCZ), a self-regulatory body covering all types of media that is supported by a majority of print outlets, has continued to develop its scope of activities, hearing several dozen formal complaints and adjudicating a number of other disputes regarding media content in the past several years. Since its establishment in 2009, it has heard approximately 35 complaints from members of the public per year. In 2014, it also began conducting training workshops for journalists on operating in Zimbabwe's complex legal environment. The potential for competition between these dual regulatory frameworks has raised concern among local analysts.

Broadcasting licenses have been consistently denied to independent and community radio stations. Critics allege that the board of the Broadcasting Authority of Zimbabwe (BAZ), which is responsible for granting radio and television licenses, was illegally appointed in 2009 by the information minister and stacked with loyalists to President Robert Mugabe's ZANU-PF party. In early 2014, the government began to move forward with a plan to license 25 new community radio stations, but by July, only 18 contenders had been shortlisted for consideration at a requisite public inquiry, and six of these dropped out of the process as they were unable to pay the steep fees associated with the process. Civil society groups lodged several complaints about the process, including the extraordinary cost of the complex, multistep licensing process; the politically motivated selection of shortlisted stations; and unnecessary procedural delays. The process remained ongoing at year's end, with no station gaining a license. Zenzele Ndebele, the editor of Radio Dialogue, a community radio station that broadcasts outside the legal framework, has faced consistent harassment. In March, he was summoned to court on charges of contravening the Broadcast Services Act for possession of a radio receiver without a license.

Professional and media-monitoring organizations such as the Zimbabwe Union of Journalists, the Media Monitoring Project of Zimbabwe (MMPZ), and the local chapter of the Media Institute of Southern Africa (MISA) are also occasionally subject to official pressure.

Political Environment

Journalists have traditionally faced verbal intimidation, physical attacks, arbitrary arrest and detention, interception of communications, and financial pressure at the hands of the police, government officials, and supporters of both political parties. They are particularly prone to harassment when attempting to cover sensitive news events or political issues. Such instances declined somewhat in 2014, but on a number of occasions throughout the year, reporters were roughed up or detained. Additionally, in February, a newspaper vendor was temporarily abducted by police and beaten, after officers accused him of being an informant for the independent *NewsDay* newspaper. In November, MISA-Zimbabwe raised concern regarding a number of cases of verbal intimidation directed at the press by high-ranking officials, including First Lady Grace Mugabe and Media and Broadcasting Services Secretary George Charamba.

Faced with legal restrictions as well as the threat of extralegal intimidation, some journalists practice self-censorship, particularly regarding sensitive issues such as corruption or factional fighting within ZANU-PF. However, in the past few years, there has been relatively more reporting on issues such as official corruption and malfeasance, with coverage ranging from low-level officials to Mugabe and his family. Some of this opening can be attributed to the state-owned press being used as a weapon in

intra-party disputes, with rival factions seeking to undermine each other in the media. In June, Mugabe blasted his information minister, Jonathan Moyo, for appointing editors to state papers with a history of hostility to Mugabe and the ruling party, allegedly a move to position himself as a potential presidential successor. In recent years, a number of exiled journalists have returned to Zimbabwe, and new cases of exile have not been reported since 2009, according to the Committee to Protect Journalists.

Steep accreditation fees introduced in 2011 for foreign media bureaus and their local correspondents remain in place. Foreign journalists can encounter restrictions on residing full-time in the country and are sometimes denied visas to file stories from Zimbabwe. Locally based correspondents for foreign publications have also been refused accreditation or threatened with lawsuits and deportation. However, no such cases were reported in 2014.

Economic Environment

The government, through the Mass Media Trust holding company, controls the two main daily newspapers, the *Chronicle* and the *Herald*, whose propagandistic coverage generally favors Mugabe and ZANU-PF. The private Alpha Media Holdings group publishes a number of the country's independent papers, including *NewsDay*, the *Standard*, the *Zimbabwe Independent*, and the regionally focused daily *Southern Eye*, launched in Bulawayo in 2013. The *Daily News*, published by Associated Newspapers of Zimbabwe, resumed operations in 2011 after being shuttered in 2003 and is generally aligned with MDC viewpoints. The *Zimbabwean* is produced in South Africa for the Zimbabwean market, and some foreign newspapers, mainly from South Africa, are available despite a 2012 ZMC directive banning the distribution of unregistered foreign newspapers.

Newspapers typically have poor distribution networks outside urban areas, and they have been buffeted by soaring prices for newsprint in recent years. Vendors and distributors of independent newspapers are occasionally harassed by soldiers or ruling party supporters. According to MISA's African Media Barometer, state-run companies do not advertise in private papers, and state-run media outlets do not accept advertising from companies thought to be aligned with the opposition. Owing to poor economic conditions and salaries that do not keep pace with inflation, journalistic corruption and cash incentives for coverage have become rampant, according to a recent report by the VMCZ.

The state-controlled Zimbabwe Broadcasting Corporation (ZBC) runs the vast majority of broadcast media outlets, which are subject to overt political interference and censorship; ZBC coverage overwhelmingly favors ZANU-PF. In 2012, two new private radio stations—Star FM and ZiFM—commenced operation. Despite initial concerns over their owners' close ties to ZANU-PF, local analysts noted that the stations' news and talk radio content presented a diversity of views. The Broadcasting Services Act bans foreign funding and investment in this capital-intensive sector, making it very difficult for private players to enter the market. Radio broadcasts are currently the main source of information in rural areas. However, access to broadcast media in these districts is hampered by deteriorating equipment and a lack of transmission sites, although the government has reached an agreement with China to help upgrade transmission infrastructure. By mid-2014, the government was less than halfway through with a digitization project which, in addition to converting all analog TV broadcasting to a digital platform, would also upgrade transmission infrastructure to the benefit of analog radio broadcasting. However, the project faces huge financial shortfalls, amounting to nearly US\$200 million.

Official attempts to jam the signals of popular foreign-based radio stations that broadcast into Zimbabwe—including the VOA's Studio 7 service and the Voice of the People—continued to be a concern.

In August, SW Radio Africa, a London-based station run by exiled Zimbabwean journalists that regularly faced government transmission disruptions, shut down due to lack of funding. Local authorities occasionally raid homes in rural areas and confiscate the shortwave radios used to access foreign broadcasts. Radio listeners in Zimbabwe are also required to obtain a license for each radio in their possession, which must be renewed annually, with profits accruing to the ZBC. After some talk at the beginning of 2014 of scrapping the licensing rules, the government doubled down on enforcement later in the year, going so far as to make car radio license renewal a required element of updating vehicle registration. Satellite television services that carry international and regional news programming remain largely uncensored and are being accessed by a rapidly growing share of the population, thanks to new technology such as free-to-air decoders. It is estimated that just under half of the population has a working television in their homes, and of these, about two-thirds access content via satellite dishes.

Access to the internet is limited by service disruptions caused by frequent power outages, though costs have significantly decreased due to greater competition in the telecommunications sector. Zimbabwe has a relatively high rate of internet penetration for Africa, at nearly 20 percent of the population in 2014. Online newspapers, news portals, and blogs run by Zimbabweans living abroad are increasingly popular among those with internet access, and diaspora media also distribute news and information via mobile-telephone text messaging. Social media have also taken on a more important role in the news and information environment, with politically focused posts by the “Baba Jukwa” profile on Facebook attracting a significant following prior to the 2013 elections.